

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

WILLIS JACK HUGHSON and
SANDRA HUGHSON,

Plaintiffs,

v.

Case No. 92-CV-003392

OWENS-CORNING FIBERGLAS
CORPORATION, et al,

Defendants.

RALPH VAN BECK called for examination by
the Plaintiffs, under and pursuant to the provisions of
Chapter 804 of the Wisconsin Statutes, before DAVID J.
SIKORA, a Notary Public in and for the State of
Wisconsin, taken at 445 South Mooreland Road,
Brookfield, Wisconsin, on the 24th day of August, 1994,

commencing at 9:00 o'clock in the forenoon.

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PROCEEDINGS

RALPH VAN BECK was called as a witness,
and after being first duly sworn, on oath, was
examined and testified as follows:

EXAMINATION

BY MR. SCHENK:

Q Sir, could you please state your full legal name
for the record?

A Ralph VanBeck.

Q Mr. VanBeck, have you ever had your deposition
taken before?

A Yes.

Q When was the first time that you had your
deposition taken?

A I have no recollection when it was.

Q When was the last time you had your deposition
taken last?

A I can't recall that either.

Q Was it within the last 12 months?

A I don't believe so.

Q Within the last two years?

A Yes. Probably.

Q On how many occasions have you been deposed?

A I can't exactly say.

Q Can you give me an approximate number of times?

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APPEARANCES

CASEY, GERRY, CASEY, WESTBROOK, REED &
SCHENK, by FREDERICK SCHENK, ESQ., 110 Laurel
Street, San Diego, California 92101-1486,
appearing on behalf of the Plaintiffs.

SCHELLINGER & DOYLE, S.C., by JAMES M.
FERGAL, ESQ., 445 South Mooreland Road, Brookfield,
Wisconsin 53005, appearing on behalf of Sprinkmann
Sons Corporation

ROY E. WAGNER, ESQ, N95 W16975 Richfield
Way, Menomonee Falls, Wisconsin 53051 appearing as
corporate counsel for Sprinkmann Sons Corporation.

BORGELT, POWELL, PETERSON & FRAUEN S.C.,
by STEVEN W. CELBA, ESQ., 735 North Water Street,
appearing on behalf of Owens-Corning Fiberglas.

HENSON & EFRON, by SCOTT A. NEILSON, ESQ.,
1200 Title Insurance Building, 400 Second Avenue
South Minneapolis, Minnesota 55401, appearing on
behalf of AC&S.

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EXHIBITS		MARKED
None marked		

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A Five or six.

Q And what was the subject matter of those five or
six depositions?

A Relating to insulation materials.

Q Were they lawsuits filed on behalf of someone who
claimed an asbestos related disease?

A I believe so.

Q Do you remember the names of any of the cases in
which you were deposed?

A Not particularly, no.

Q Were any of those individuals employees of
Sprinkmann & Sons?

A Not that I'm aware of.

Q Let me go over some of the ground rules for you
since it has been some time since your last
deposition. Although you've been in this process
before. You understand that you're under oath.

A Yes.

Q And it's the same oath you would take if you were
testifying before a judge and jury, do you
understand that?

A Yes.

Q If for any reason you do not understand one of my
questions, please let me know or let counsel know
that the question was unclear to you so that I can

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1 understand that it needs to be rephrased or
 2 repeated for you. Will you do that for us?
 3 A Yes.
 4 Q Have you had any alcohol within the last 24 hours?
 5 A No.
 6 Q What is your current employment?
 7 A I work for Sprinkmann Sons Corporation.
 8 Q And what's your title there?
 9 A Vice-president.
 10 Q Are you a vice-president in charge of a certain
 11 department?
 12 A Thermal insulation.
 13 Q How long have you been with Sprinkmann & Sons?
 14 A Since 1948.
 15 Q In what capacity did you join the company?
 16 A As at that time a helper, labor type person.
 17 Q How long did you remain a helper or laborer?
 18 A I have to think on that one. Probably about four
 19 years until I entered the union.
 20 Q It took four years before you became an
 21 apprentice.
 22 A Yes.
 23 Q During those first four years what kind of work
 24 were you doing as a helper?
 25 A Lugging material, basically storing material,

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1 A Basically getting materials.
 2 Q Do you recall any of the job sites at which you
 3 worked during those first four years?
 4 A Worked at Port Washington power plant, I remember a
 5 plant in -- an Allis Chalmers plant, I believe it
 6 was in LaCrosse, a power plant in Crookston,
 7 Minnesota. These stand out in my mind. There are
 8 various other jobs. I just don't recall.
 9 Q I understand. It's been a few years.
 10 A Yeah, it has been.
 11 Q When you worked at Port Washington, do you recall
 12 specifically where you worked? At that plant.
 13 A I honestly don't remember which unit I started at.
 14 Q Would it have been One, Two or Three?
 15 A It may have been.
 16 Q Do you recall, however, what you did?
 17 A I was what I would classify as a lugger.
 18 Q That's descriptive enough. And you did that for
 19 what period of time at Port Washington?
 20 A At Port Washington? Some months. Yeah, it wasn't
 21 very long.
 22 Q One thing that I did not mention to you and if I
 23 may just remind you of it. I just got a glance
 24 from the Reporter, because as I was asking the
 25 question you already anticipated what my question

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1 handling materials.
 2 Q Did you work at job sites or did you work in the
 3 office?
 4 A Job sites.
 5 Q You were not a member of any union at the time.
 6 A No.
 7 Q Did you -- those first four years were you in any
 8 union?
 9 A I was not a formal member of a union.
 10 Q Were you affiliated, however, with the Heat & Frost
 11 Insulators, at that time?
 12 A I guess that would be a proper term.
 13 Q You didn't pay any union dues? During those first
 14 four years?
 15 A I really don't remember how it was structured at
 16 the time. If I was required to pay any fees or
 17 not.
 18 Q Did you during your first four years, that would
 19 take us to 1952, approximately?
 20 A Approximately.
 21 Q Did you have occasion to work with insulation
 22 products at job sites?
 23 A Yes.
 24 Q Were you doing any mechanic work, or were you
 25 basically getting the materials for the mechanics?

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1 was going to be. If you would give him the
 2 courtesy, and I will try myself to, and not speak
 3 over each other. In every day conversation people
 4 do that all the time. But there's nobody taking an
 5 official record of it. Here unfortunately we have
 6 to be mindful of the reporter.
 7 A I understand.
 8 MR. FERGAL: He's good though. He can do
 9 four of us at one time.
 10 MR. SCHENK:
 11 Q When you worked at Port Washington at some point in
 12 time during those four years, did Sprinkmann & Sons
 13 have a contract to do insulation work for the power
 14 company?
 15 MR. FERGAL: Object on foundation.
 16 THE WITNESS:
 17 A I really have no knowledge of what their
 18 contractual, or if there was a contract, or how it
 19 was structured. I have no knowledge of that.
 20 MR. SCHENK:
 21 Q Fair enough. Who besides yourself was at Port
 22 Washington during that four year period when you
 23 were there? From Sprinkmann & Sons.
 24 A I don't believe there's anybody else.
 25 Q I'll reask the question. You were what you

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1 describe as a lugger.
 2 A Yeah.
 3 Q You were lugging things to people. Who were the
 4 people that you were lugging things to?
 5 A To the installers.
 6 Q The mechanics.
 7 A Yes.
 8 Q Do you recall the names of any of the mechanics you
 9 were working with, the insulator's names?
 10 A Joe Stolper.
 11 Q Spelled?
 12 A S-t-o-l-p-e-r. You got to give me a minute.
 13 Q Take your time.
 14 A I can picture them, but I can't think of the
 15 names. I'm coming up blank.
 16 Q Okay. There were others besides Mr. Stolper.
 17 A Oh, yes.
 18 Q Do you recall, approximately, how many insulators
 19 were at Port Washington when you were there during
 20 that time period?
 21 A I would only be speculating if I told you.
 22 Q And you know not to speculate or guess.
 23 A Yes.
 24 Q Was there a foreman that was in charge of the
 25 insulators at that time?

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1 of the products that Sprinkmann & Sons was using at
 2 that time?
 3 A At that particular time, no.
 4 Q During the first four years that you were at
 5 Sprinkmann, to your knowledge, did Sprinkmann have
 6 an exclusive distribution system with any
 7 particular manufacturer of insulation products?
 8 A I have no knowledge.
 9 MR. FERGAL: Object. Foundation.
 10 THE WITNESS:
 11 A I have no knowledge of that.
 12 MR. SCHENK:
 13 Q What type of, without regard to brand names, what
 14 type of insulation products were you lugging for
 15 the mechanics to install at Port Washington, at
 16 that time?
 17 A Pipe insulation, block insulation, cements.
 18 Q The pipe insulation, the block and cements, were
 19 they 85 Mag? 85% Mag products, at that time?
 20 MR. FERGAL: Object on foundation.
 21 THE WITNESS:
 22 A I, at that time, I'm not sure what they were.
 23 MR. SCHENK:
 24 Q You're familiar with what I'm talking about.
 25 A Yes.

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1 A Yes.
 2 Q Do you recall the foreman's name?
 3 A Joe Stolper.
 4 Q I see. How long did Mr. Stolper work -- is it
 5 Stolper?
 6 A Yes. S-t-o-l-p-e-r.
 7 Q How long did Mr. Stolper work for Sprinkmann from
 8 the time that you knew him?
 9 A I have no idea.
 10 Q Did he remain there for a number of years after he
 11 first joined Sprinkmann & Sons?
 12 A I can only think that he did. I would not have any
 13 knowledge of that.
 14 Q Do you recall what type of work the insulators were
 15 doing? Were they building, constructing a new
 16 unit, or were they doing repair work when you were
 17 at Port Washington?
 18 A They were insulating the new work that was being
 19 installed.
 20 Q So they were working, they were installing
 21 insulation on a new unit.
 22 A Yes.
 23 Q At that time, when Sprinkmann & Sons was installing
 24 this new insulation, were you aware of the names of
 25 the manufacturers of insulation whose -- the names

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1 Q Was the pipe insulation an asbestos based
 2 insulation product?
 3 A I have no --
 4 MR. FERGAL: Object. Foundation.
 5 THE WITNESS:
 6 A I'm not -- I have no knowledge. That's not my --
 7 MR. SCHENK:
 8 Q Okay. You didn't know during those first four
 9 years whether insulation products that you were
 10 handling contained asbestos?
 11 A No.
 12 Q What did the pipe insulation look like during the
 13 time that you were working with it as a laborer?
 14 A Molded. Molded insulation.
 15 Q Dusty product when cut?
 16 A Yes.
 17 Q What about the block, what did that look like?
 18 A Flat block, rectangular shaped.
 19 Q And the color?
 20 A I recall it as being white.
 21 Q Fibrous?
 22 A It had fibers in it.
 23 Q As did the molded insulation?
 24 A Yes.
 25 Q And the cement products, what do you recall about

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1 their texture and appearance?

2 A There were several kinds. There was a finer cement

3 and then a rougher type.

4 Q There was an insulating cement, a finishing

5 cement.

6 A Yes.

7 Q And the insulating cement was the rougher and the

8 finishing cement was the smoother.

9 A That would be probably right.

10 Q Do you remember any of the manufacturers of the

11 cement products that you were using?

12 A No.

13 Q And what was the color of the cement products?

14 A The rougher cement, the insulating cement was a

15 grayish color, and the finishing cement when

16 finished was a bluish gray color.

17 Q And would you be required, yourself, to pour the

18 cement into the buckets before the water was added?

19 A Yes.

20 Q Did you, yourself, do the mixing of the cements?

21 A At times.

22 Q Dusty?

23 A Yes.

24 Q What type of ventilation was available, at that

25 time, when you as a laborer were working at Port

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1 Q In addition to pipe insulation, block and cements,

2 was there any asbestos cloth being used at the

3 facility, at that time? At Port Washington.

4 MR. FERGAL: Object to foundation.

5 THE WITNESS:

6 A I don't recall.

7 MR. SCHENK:

8 Q You know what asbestos cloth looks like.

9 A Yes.

10 Q How would you describe asbestos cloth?

11 A Thick heavy textured cloth.

12 Q Do you recall seeing anything looking like that

13 while you were a laborer while at Port Washington?

14 A No.

15 Q After you served your term as a laborer, paid your

16 dues, so to speak, you became an apprentice in the

17 Heat & Frost Insulator's Union?

18 A It was more a term as I think the term at the time

19 was improver.

20 Q Right.

21 A Yeah.

22 Q Different eras they called them different things,

23 is that it?

24 A Exactly.

25 Q Nonetheless, were you given a card to the Heat &

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1 Washington?

2 A None that I can recall.

3 Q Was it a -- were the walls and the ceilings already

4 up?

5 A Yes.

6 Q Presumably, since you were working. Were any

7 respirators or masks used by any insulators, at

8 that time, when you were a laborer?

9 A Not that I recall.

10 Q Do you recall how long you, and I don't think I

11 asked this, how long you actually were at Port

12 Washington during that time that you were a

13 laborer? Was it a --

14 A Just a short time.

15 Q Was it a matter of days, weeks or months?

16 A Probably, I would say not more than two months.

17 Q Were you there, do you recall, at the beginning and

18 at the end of the work, or were you there during

19 some point during the process?

20 A During.

21 Q Do you recall or do you know how long the

22 insulators from Sprinkmann remained at the Port

23 Washington facility doing that work that you're

24 referring to?

25 A No.

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1 Frost Insulator's Union?

2 A Yes.

3 Q And what year did you become an improver?

4 A 1952.

5 Q And what year did you become a journeyman mechanic?

6 A I would assume 1956.

7 Q From the time that you became an improver, were you

8 full-time employed by Sprinkmann & Sons or did you

9 work out of a union hall?

10 A I was full-time employed.

11 Q Did Sprinkmann from the time that you became a card

12 member of the union, did Sprinkmann & Sons have

13 full-time insulators, or did they hire out of the

14 union hall, or was there a combination of the two?

15 A It may have been a combination of the two.

16 Q From 1952 until the time that you became a

17 journeyman, did you work at any of the power plants

18 in Wisconsin?

19 A Intermittently I may have.

20 Q Do you recall which ones?

21 A The one that comes to mind is Oak Creek Power

22 Plant.

23 Q Do you recall when you first did any work for

24 Sprinkmann & Sons at Oak Creek?

25 A No, I do not.

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1 Q It would have been between '52 and '56, however?

2 A It may have been. I'm not --

3 Q It may have been after '56?

4 A May have been.

5 MR. CELBA: I'm going to object to the

6 form of the question. Calls for speculation. Lack

7 of foundation.

8 MR. SCHENK: I accept that. That's

9 valid.

10 Q Can you tell me, at any time, within the first five

11 years of your working for Sprinkmann & Sons, do you

12 recall working at Oak Creek Power Plant?

13 A I can't be specific on dates.

14 Q Can you tell me whether you recall working at Oak

15 Creek prior to 1960?

16 MR. FERGAL: Objection. Calls for

17 speculation.

18 MR. CELBA: I'm going to join in that

19 objection too.

20 MR. SCHENK: Well, gentlemen, this man

21 went to work there in 1952. I'm giving him an

22 eight year time period, and I'm trying to be as

23 lenient or liberal --

24 MR. FERGAL: I'm not preventing him from

25 answering the question.

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1 working at Oak Creek for the very first time?

2 A I really don't.

3 Q You don't know whether it was the 1980's, 1970's,

4 1960's or 1950's.

5 MR. CELBA: I'm going to object. It's

6 repetitious.

7 MR. FERGAL: It's repetitious.

8 THE WITNESS:

9 A It's a foolish question.

10 MR. SCHENK:

11 Q I'm trying to get some sort of an idea. I'm not

12 trying to be foolish at all. I'm asking you over a

13 period of some 30 years can you give me an

14 approximate time period?

15 A The only thing I can tell you is that I really did

16 not work there very long. It was a very very short

17 period of time. And I cannot pinpoint it for you.

18 I can't.

19 Q Do you recall any of the people that were working

20 out there with you?

21 A Warren Hansen, I remember a fella they used to call

22 Fritz Bush Jaeger (phonetic).

23 Q Spelled?

24 A Don't ask me.

25 Q I'm supposed to ask you. You may not be able to

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1 MR. SCHENK: I understand that.

2 MR. CELBA: It's vague and indefinite

3 question as to date. Even by giving him a maximum

4 date and going back. It's vague as to time.

5 MR. SCHENK: I'm asking for the time.

6 That's why I posed it that way.

7 THE WITNESS:

8 A I have no idea what the date was.

9 MR. SCHENK:

10 Q Okay. How about by in terms of what you were

11 doing, would that help you if you recall back as to

12 the kind of work you were doing?

13 A Wouldn't make any difference.

14 Q As a level one or apprentice one improver you were

15 doing the same type of work as you were doing as a

16 journeyman?

17 A Basically, yes.

18 Q When you worked at Oak Creek for the first time,

19 what were you doing there?

20 A I recall insulating on the boiler.

21 Q Do you recall, was it new construction?

22 A Yes.

23 Q Which unit were you working on?

24 A That I don't recall either.

25 Q You don't recall what decade it was that you were

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1 tell me. What's his first name?

2 A They just called him Fritz Bush Jaeger. Oh Lord.

3 I can picture all kinds of people. But to put

4 their names in.

5 MR. FERGAL: He probably was the only

6 Fritz in Milwaukee.

7 MR. SCHENK: Right. That's an easy one.

8 THE WITNESS: Right.

9 MR. SCHENK:

10 Q Who was the foreman?

11 A Warren Hansen.

12 Q Do you know, do you recall what years Mr. Hansen

13 was a foreman for Sprinkmann & Sons?

14 A He was -- he was a foreman for a long period of

15 time down there. I have no -- I can't give you

16 dates on that.

17 Q When you say for a long period of years, what --

18 about what time period are we talking about that

19 you recall Mr. Hansen being a foreman?

20 A Just a number of years. There were many units

21 built at Oak Creek, and he was involved in a good

22 many of them.

23 Q Okay. What I'm trying to find out is, was he a

24 foreman up until a certain period of time? That

25 you can recall.

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1 A I believe so.

2 Q Do you recall, approximately, when he no longer was

3 a foreman?

4 A No.

5 Q Was he there through the 1960's?

6 A He may not have been. I'm not sure.

7 Q In any event, you don't remember which unit you

8 worked on at Oak Creek.

9 A No.

10 Q Did you work there more than once? When I say more

11 than once --

12 A I may have.

13 Q When I say more than once, I'm talking about not

14 just more than one day, but on more than one

15 project.

16 A Yes, I understand.

17 Q What is your response? I'm sorry.

18 A I'm not sure whether I did or not.

19 Q Sprinkmann & Sons had the contract for doing the

20 insulation work on a number of the boilers in the

21 units at Oak Creek; is that correct?

22 MR. FERGAL: Objection. Foundation.

23 THE WITNESS:

24 A I'm not -- I have no knowledge of how their work

25 was structured with the WEPCO company.

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1 MR. FERGAL: I'm going to object to the

2 question. That's different than what you

3 previously asked him.

4 THE WITNESS:

5 A If you ask me did I know they did the work --

6 MR. FERGAL: Wait until he asks the

7 question.

8 MR. SCHENK:

9 Q Why don't you wait until I ask the question.

10 You're aware, sir, that Sprinkmann & Sons installed

11 the insulation on a number of the units at Oak

12 Creek, correct?

13 MR. FERGAL: Object to the form of the

14 question.

15 THE WITNESS:

16 A Yes.

17 MR. SCHENK:

18 Q And you know that because you were an insulator

19 working for Sprinkmann & Sons, correct?

20 A Yes.

21 Q Okay. We'll get to your current position later on

22 in this deposition. But as an insulator, were you

23 aware of which units Sprinkmann & Sons worked on at

24 Oak Creek?

25 MR. FERGAL: Object as to form. At what

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1 MR. SCHENK:

2 Q All right. As you're sitting here today, you know

3 that Sprinkmann & Sons did work at Oak Creek,

4 correct?

5 A Yes.

6 Q And you know that because you're vice-president of

7 Sprinkmann & Sons, correct?

8 MR. FERGAL: Object.

9 MR. SCHENK:

10 Q I need an audible response.

11 A Do I know that because I'm a vice-president?

12 Q Yes.

13 A No. I know that because I was there working for

14 Sprinkmann.

15 Q All right. Over the years you knew that

16 Sprinkmann & Sons had the contract to do the

17 insulation work in the building of the piping

18 systems.

19 MR. FERGAL: Object on foundation.

20 MR. SCHENK:

21 Q The insulation systems at Oak Creek, correct?

22 A I have no knowledge of what their arrangement was

23 with the electric company.

24 Q I'm not asking what their arrangement was. You

25 know that they did the work.

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1 point in time? Back then would he have known?

2 MR. SCHENK:

3 Q At any time that you were an insulator.

4 A Which units they worked on?

5 Q Correct.

6 A My recollection is they worked on all the units.

7 Q How many units are there at Oak Creek?

8 A There were eight.

9 Q When you say your recollection is they worked on

10 all of them, is it your recollection that

11 Sprinkmann & Sons had the contract on any of them,

12 or is just that your recollection is they worked on

13 them?

14 MR. FERGAL: Object. Well, compound. But

15 go ahead and answer.

16 THE WITNESS:

17 A They worked on them.

18 MR. SCHENK:

19 Q Do you know whether or not Sprinkmann & Sons did

20 any new construction of any of the units at Oak

21 Creek?

22 A When you say new construction, they didn't

23 construct anything.

24 Q I appreciate that. What I'm asking is whether they

25 put on the original insulation on any of the units

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1 while it was under construction.
 2 A Yes.
 3 Q The answer is yes, they did.
 4 A Yes.
 5 Q Do you know whether they did that for all eight of
 6 the units or for something less than all eight?
 7 A Eight units.
 8 Q You, however, did not work on all eight of those
 9 units, correct?
 10 A No, I did not.
 11 Q Over what period of years, if you know, did
 12 Sprinkmann & Sons do the insulating work on those
 13 eight units? Can you give me a starting date if
 14 you're able to, and an ending date if you're able
 15 to?
 16 MR. FERGAL: Object on foundation. Go
 17 ahead. Calls for speculation. Go ahead.
 18 THE WITNESS:
 19 A I believe it ended in the 60's. I'm not quite sure
 20 of the start date.
 21 MR. SCHENK:
 22 Q Were you not yet an employee of Sprinkmann when
 23 they began working at Oak Creek?
 24 MR. FERGAL: Object on foundation.
 25 THE WITNESS:

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1 A No.
 2 Q At that time, as a member of the Heat & Frost
 3 Insulator's Union -- unit -- Union, you were aware
 4 that what you were handling was an asbestos
 5 containing material?
 6 A Not necessarily.
 7 MR. FERGAL: Object.
 8 MR. SCHENK:
 9 Q When you say not necessarily, what do you mean by
 10 that?
 11 A Well, no, I guess the answer should be no. I did
 12 not.
 13 Q Did Sprinkmann & Sons provide you with any
 14 information about the content of the material that
 15 you were handling?
 16 A No.
 17 MR. FERGAL: Objection. Form. Vague.
 18 MR. SCHENK:
 19 Q Did WEPCO provide you with any information about
 20 the material that you were handling?
 21 A No.
 22 Q Did you ever have occasion to open up the box of
 23 block insulation? Yourself.
 24 A Yes.
 25 Q Was there any information inside the box that

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1 A I may have been an employee, but it was of no
 2 consequence to me.
 3 MR. SCHENK:
 4 Q What I'm trying to find out is whether it was your
 5 recollection that it was pre-1948 or since 1948
 6 that Sprinkmann & Sons began working at Oak Creek.
 7 A It would be since 1948.
 8 Q Oak Creek was built in what year?
 9 MR. FERGAL: If you know.
 10 THE WITNESS:
 11 A I'm not sure when it started.
 12 MR. SCHENK:
 13 Q Let's talk a little bit about what you did at Oak
 14 Creek. You don't remember which unit you worked
 15 on, as I understand it, correct?
 16 A That's correct.
 17 Q Whichever unit you worked on, can you tell or
 18 describe for me the kind of work you did? What
 19 materials you were using and where you were
 20 working?
 21 A The thing that I remember most really is insulating
 22 a boiler with block insulation. Over the boiler
 23 tubes.
 24 Q Do you recall the manufacturer of the block
 25 insulation that you used?

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1 provided you with some knowledge as to the kind of
 2 material that you were handling?
 3 A No.
 4 Q I take it you were not using masks or respirators
 5 at that time.
 6 A No.
 7 Q No, you were not.
 8 A No, I was not.
 9 Q Nor were any of the other improvers, correct?
 10 A Not that I'm aware of.
 11 MR. FERGAL: Objection. Foundation.
 12 MR. CELBA: The same objection.
 13 MR. SCHENK:
 14 Q Let me ask it this way. Did you see any of the
 15 improvers wearing any masks or respirators when you
 16 worked at Oak Creek?
 17 A No.
 18 MR. FERGAL: Can we -- just to allay any
 19 vagueness, when you use the term "a respirator",
 20 make sure there's an understanding between the two
 21 of you what you mean it is. Object as vague as
 22 what respirator is.
 23 MR. SCHENK: I appreciate that.
 24 Q I use masks or respirators to hopefully include any
 25 type of breathing protection. Did you understand

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1 that when I was referring to masks and respirators?
 2 A Yes.
 3 Q Okay. I don't know if I asked you if you recall
 4 the name of the manufacturer of the block
 5 insulation. That you were using at Oak Creek.
 6 A I don't remember the name.
 7 Q After your occasion to be at Oak Creek, do you
 8 recall going back to Oak Creek to work on any other
 9 projects at that power plant?
 10 A No.
 11 Q Is it you don't recall or you do recall that you
 12 did not ever go back?
 13 A I recall that I didn't go back.
 14 Q Did you work at any other power plants for WEPCO
 15 once you became a member of the Heat & Frost
 16 Insulator's Union?
 17 A I may have.
 18 Q Do you have, sitting here today, a recollection of
 19 actually being in any of the plants doing
 20 insulation work?
 21 A No.
 22 Q You don't recall then going back to Port Washington
 23 to do insulation work.
 24 A No.
 25 Q Did you ever work as a -- strike that. Let me ask

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1 WEPCO facilities? Was as a field superintendent?
 2 A Probably.
 3 Q Would that include Oak Creek?
 4 A Yes.
 5 Q Would that include Port Washington?
 6 A Yes.
 7 Q Would it include essentially all of the plants that
 8 WEPCO had?
 9 MR. FERGAL: Object. Vague. Foundation.
 10 MR. SCHENK:
 11 Q If you know.
 12 A It may have.
 13 Q Do you recall -- let me ask it this way. Maybe if
 14 you could recount for me which various facilities
 15 you recall going to. You already indicated Oak
 16 Creek and Port Washington. What others do you
 17 recall going to?
 18 A Valley Plant.
 19 Q Any others?
 20 A I don't believe at the time there were any others.
 21 Q Is there a Lakeside?
 22 A It may have been. I'm not sure about the time on
 23 Lakeside.
 24 MR. CELBA: I'm going to move to strike
 25 the answer as speculation on the part of the

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1 you. How long did you remain an insulator for
 2 Sprinkmann & Sons?
 3 A Until early 1966.
 4 Q What was your change in job title in early 1966?
 5 A I was made field superintendent.
 6 Q And between '56 and early '66 you were a journeyman
 7 insulator?
 8 A Yes.
 9 Q What was different about your work as a field
 10 superintendent?
 11 A I was no longer installing insulation. I was
 12 directing the workmen. And assigning them to
 13 different tasks.
 14 Q You were in charge of the foremen?
 15 A Yes.
 16 Q Did you have occasions to go out into the field
 17 after you became a field superintendent?
 18 A Yes.
 19 Q By the title it sounds like you would have.
 20 A Yes.
 21 Q Did you have occasion to get to any of the WEPCO
 22 power plant facilities as a field superintendent?
 23 A Yes.
 24 Q Would that have been, to the best of your
 25 recollection, the next time that you'd been to any

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1 witness.
 2 MR. SCHENK:
 3 Q What was the purpose of going to Oak Creek as a
 4 field superintendent?
 5 A Well, I was to assign people to the jobs at hand.
 6 Q How long did you remain a field superintendent?
 7 A Till early 1980's.
 8 Q All right. 15 years or more?
 9 A In one form or another, yes.
 10 Q During those years, do you recall what work
 11 Sprinkmann & Sons did at Oak Creek? Which units
 12 they worked on.
 13 MR. FERGAL: Object to the form of the
 14 question. Vague.
 15 MR. CELBA: I'll join.
 16 MR. SCHENK: Maybe you can enlighten me.
 17 What's vague about it, so that I can clean it up?
 18 If there's something about it that's vague, I'm
 19 happy to clean it up. I think it's a very clear
 20 question. If you have a problem with it, I'd like
 21 to make it unvague.
 22 MR. FERGAL: I don't know what you mean by
 23 what work did they perform.
 24 MR. CELBA: During those years I think
 25 it's indefinite.

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MR. SCHENK:

Q All right. During the years that you were a field superintendent from early 1966 until the early 1980's, as you described it, what work did Sprinkmann & Sons do at Oak Creek?

A Various -- various types of work. I can't pinpoint all the work they did or on what, you know, there was -- if you would be specific, I would be specific. I mean are you --

Q I'll get to the specifics. I'm just trying to find out your general recollection. That will help us get to the specifics. Did they work on units, any particular units during that time period that you were a field superintendent? At Oak Creek.

A They may have worked on many of them.

Q Well, I guess they may have. I'm trying to ask you what's your best recollection.

A Well, they did work, yes, on the units. In one form or another.

Q As a field superintendent during that time period from the early 1966 time period to the early 1980's, do you recall any one particular unit that Sprinkmann & Sons worked on at WEPCO's Oak Creek plant?

MR. CELBA: I'm going to object as to the

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mean by unit. The boiler?

MR. SCHENK: Yes.

Q That was your understanding, there were eight units there, correct?

A Yes.

Q All right. If you could then go back to my earlier question. Do you recall which of those units during the time that you were a field superintendent Sprinkmann & Sons worked at Oak Creek on?

A There were probably several of them.

Q And did that include installing new insulation?

A Yes.

MR. CELBA: Object. Vague.

MR. FERGAL: Same objection.

MR. SCHENK:

Q Was that new units being constructed?

MR. FERGAL: Object.

MR. CELBA: Same objection.

MR. FERGAL: Vague and overly broad.

THE WITNESS: Am I supposed to answer?

MR. FERGAL: Yeah. You can answer. If I tell you not to answer. You can answer.

THE WITNESS:

A It may have been a combination of new work and

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time as being indefinite.

MR. FERGAL: Go ahead. You can answer.

THE WITNESS:

A May have been 1960's and after that.

MR. CELBA: I'm going to move to strike.

Could you read back the answer to that, Dave?

MR. SCHENK: I'll reask the question.

That wasn't what I asked you.

MR. CELBA: I have an objection, just so I don't -- for the record. But go ahead. Reask it.

MR. SCHENK: I will. I don't expect you to give up your objection, Steve.

MR. CELBA: I move to strike the answer.

MR. SCHENK: It was non-responsive.

Q I think you misunderstood the question. During the time that you were a field superintendent from early 1966 through the early 1980's, do you recall a specific unit on which Sprinkmann & Sons worked at Oak Creek?

MR. CELBA: Again, I object as indefinite as to time.

MR. FERGAL: And just for my --

MR. CELBA: Overly broad.

MR. FERGAL: I'd like to make sure there's an understanding between the two of you what you

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renovation work.

MR. CELBA: Move to strike as speculation on the part of the witness.

MR. SCHENK:

Q You were aware as a -- that Sprinkmann & Sons was doing both new construction insulation as well as repair work at Oak Creek.

A Yes.

MR. CELBA: I'll object, indefinite as to time.

MR. SCHENK:

Q And you earlier indicated that Sprinkmann & Sons did the original insulation on all eight of the units. Was any of that done while you were a field superintendent?

MR. FERGAL: Object to the, I guess, the form of the question. There was, I think, foundation objections to that earlier line of questioning. To the extent you're incorporating it. Objected to. Go ahead.

THE WITNESS:

A My recollection would be possibly unit eight.

MR. SCHENK:

Q When you say possibly --

MR. FERGAL: Move to strike as

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speculation.

MR. CELBA: Join.

MR. SCHENK:

Q I don't want you to speculate, sir.

A All right.

Q What I'd like to know is what is your best recollection. I know that it's been some time ago. Do you recall that unit eight was constructed at Oak Creek during the time that you were a field superintendent?

A That would be my recollection.

MR. CELBA: Again, I'm going to object as to indefinite as to time.

MR. SCHENK:

Q Would it be fair to say, sir, that whenever these units were originally constructed, if any of them were constructed between 1966 and the early 1980's, you would have been the field superintendent on the project?

MR. CELBA: Object to the form of the question.

MR. FERGAL: Join.

MR. CELBA: Vague, ambiguous and indefinite.

THE WITNESS:

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field superintendent on those projects.

A Restate the question.

Q For example, if it was not just unit eight, but maybe six, seven and eight had been built from the early 1966 time period through the early 1980's, then, too, you would have been the field superintendent.

A I would.

MR. FERGAL: Object. Foundation.

MR. CELBA: Same objection.

THE WITNESS:

A I would have been field superintendent at the time.

MR. SCHENK:

Q Okay. Were you in charge of doing any of the planning and estimating work as a field superintendent?

A No.

Q Is there a planning and estimating department set up at Sprinkmann & Sons, or was there during the time that you were a field superintendent?

A Yes.

Q How many insulators were under your direction in 1966 after you became field superintendent?

A I can't specifically say.

Q I'm entitled to an estimate. That's what I'd like

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A Yes.

MR. SCHENK:

Q You understood my question?

A Yes.

Q For example, if we find out from somebody who works at WEPCO that unit eight was constructed, for example, in 1966, after the time, in other words, that you were a field superintendent, you would have been the field superintendent on the insulation work of that project, correct?

MR. FERGAL: Object, again, foundation.

Because there's another assumption that in fact Sprinkmann worked on unit eight. If you want to include that in the assumption then --

MR. SCHENK:

Q You can answer.

A I would have been a field superintendent at the time.

Q To the best of your recollection, Sprinkmann did do the insulating work on each of those units, correct? At Oak Creek?

A Yes.

Q And, in fact, if more than one unit, that is, more than just number eight was built from 1966 through the early 1980's then, too, you would have been

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you to give me, if you can give me. Is it 50 people? Is it ten people?

A It could vary --

Q Or something in between? I don't expect -- let me just make my question clear. I don't expect you to recall the exact number, but I am entitled to your best estimates. Do you understand the difference between an estimate and a guess?

MR. FERGAL: I'm going to object. I don't know that anybody necessarily is --

MR. SCHENK:

Q Let me put it to you that way. If I was to ask you, sir, the size of my desk at my office, you'd be guessing because you've never seen my desk. True?

A True.

Q If I was to ask you to give me an approximation as to how far you're sitting from me, based on your experience over the years, you'd be able to give me an estimate, and you wouldn't be guessing, do you agree with that?

A Yes.

Q Okay. What I'm asking you, sir, is, based on your recollection, can you give me an approximation of the number of people, without it being in your mind

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1 a guess? Can you do that?

2 MR. FERGAL: I'll object as calling for
3 speculation based on his earlier answer. Lack of
4 foundation. Form of the question. Makes it vague.

5 MR. SCHENK:

6 Q You can go ahead and answer it, sir.

7 A All I can tell you, it would vary. Vary between 25
8 and 75.

9 Q Would that be the general range, 25 to 75 people at
10 any given time?

11 A At that time, yes.

12 Q All right. That time being 1966.

13 A In that, somewhere in that period, yes.

14 Q Is that because --

15 MR. FERGAL: I'm going to object. You
16 limited it now to 1966. You had earlier asked 1966
17 to about the early 80's.

18 MR. SCHENK: I did not, I'm sorry. I
19 really asked about 1966.

20 MR. FERGAL: Okay.

21 MR. SCHENK: I didn't want to be so broad,
22 because I thought that would really draw the
23 objection.

24 MR. FERGAL: Okay.

25 MR. SCHENK: I was very specific.

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1 MR. CELBA: I'm going to object.

2 Indefinite as to time.

3 MR. FERGAL: Foundation.

4 MR. SCHENK: We know when he was a field
5 superintendent.

6 Q So you can go ahead and answer.

7 MR. CELBA: It's overly broad then. The
8 time period.

9 MR. FERGAL: Right now --

10 MR. SCHENK: I'm not asking
11 manufacturers. I'm just asking what type of
12 materials were being used.

13 MR. FERGAL: But your question is over
14 broad because you've included all the boilers.
15 We've talked he recalls number eight.

16 MR. SCHENK: My understanding is they were
17 doing some new construction and some repair work.
18 Let me reask the question. Being mindful of some
19 of the concerns raised.

20 Q Between 1966, when you became a field
21 superintendent, and the early 1980's, during the
22 time that your crews or one of your crews was
23 either doing new construction insulation work or
24 repair work, can you tell me the types of materials
25 they were handling?

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1 MR. FERGAL: You understand he was talking

2 1966.

3 THE WITNESS:

4 A You're talking about specifically 1966?

5 MR. SCHENK:

6 Q When you first went to work at Sprinkmann as a
7 field superintendent, I'd like to know,
8 approximately, how many insulators you had working
9 underneath you.

10 A I would, again, I would have to speculate on the
11 number. 25 to 75.

12 Q Is that your best estimation?

13 A Yes.

14 Q Would that be because some people were full-time
15 employees and others were hired out of the union
16 hall?

17 A Yes.

18 Q So depending on what the projects were, that would
19 determine how many people you had working
20 underneath you.

21 A Yes.

22 Q Do you recall, sir, what type of insulation
23 materials were being installed at Oak Creek on
24 whatever units your crew was working on during the
25 time period that you were a field superintendent?

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1 MR. CELBA: Same objection.

2 MR. FERGAL: If you recall.

3 THE WITNESS:

4 A Block insulation, molded pipe insulation, sprayed
5 on insulation.

6 MR. SCHENK:

7 Q Cloth?

8 A Cement.

9 Q Would it include cloth?

10 A May have, yes.

11 MR. FERGAL: Objection. Move to strike as
12 being speculative.

13 MR. SCHENK:

14 Q Blankets?

15 A Yes.

16 Q With regard to the blankets, were those blankets
17 manufactured by Sprinkmann & Sons or were they
18 manufactured outside?

19 A They were fabricated --

20 MR. FERGAL: Object. Object to the form
21 of the question.

22 THE WITNESS:

23 A They were fabricated by Sprinkmann.

24 MR. SCHENK:

25 Q And fabricated you mean they were stuffed at

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1 Sprinkmanns.
 2 A Yes.
 3 Q Sprinkmann & Sons would use what type of fillers
 4 for those blankets?
 5 MR. FERGAL: What time period are we
 6 talking?
 7 MR. SCHENK: That's a fair objection.
 8 Q Let's say from 1966 through 1973.
 9 A My best recollection would be amosite.
 10 Q Sir, when did you first become aware of insulation
 11 containing asbestos?
 12 A In the late -- late 60's.
 13 Q And how did you come to learn that insulation
 14 contained asbestos?
 15 A Just by word of mouth, it was going around the
 16 industry.
 17 Q Would it be fair to say that that would be some
 18 time after you were already a field superintendent?
 19 A Yes.
 20 Q While you were a journeyman insulator did you ever
 21 attend any union meetings?
 22 A Yes.
 23 Q At any of the union meetings was the topic of
 24 asbestos ever discussed?
 25 A Not to my recollection.

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1 asbestos on any box of insulation materials?
 2 A Not to my recollection.
 3 Q Until the time in the late 1960's, as a field
 4 superintendent, when you learned by word of mouth
 5 about asbestos being in the insulation, had you
 6 seen any warning or cautionary labels on any of the
 7 boxes of block, pipe covering or any other
 8 insulating products that was used by Sprinkmann &
 9 Sons?
 10 A Not to my recollection.
 11 Q Up until the late 1960's, when you first learned
 12 about the asbestos in insulation, had, to your
 13 knowledge, any of the insulators used masks or
 14 respirators or any type of respiratory protective
 15 equipment?
 16 A There were, as I recall, some masks being used by
 17 some people.
 18 Q When you say masks, can you describe what those
 19 were?
 20 A The paper type masks.
 21 Q When did those paper masks first become used, to
 22 your knowledge, at Sprinkmann & Sons?
 23 A The late -- late 60's.
 24 Q Prior to that time in the late 60's, do you recall
 25 ever seeing any insulators using any type of masks

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1 Q Did you have any safety meetings at Sprinkmann &
 2 Sons?
 3 MR. FERGAL: Object to the form.
 4 MR. SCHENK:
 5 Q During the time that you were a journeyman
 6 insulator --
 7 MR. FERGAL: Object to the form of the
 8 question. Vague.
 9 THE WITNESS:
 10 A I don't recall any formal.
 11 MR. SCHENK:
 12 Q In any event, were there any meetings where
 13 asbestos was discussed during the time that you
 14 were journeyman insulator by Sprinkmann & Sons?
 15 A No.
 16 Q Did Sprinkmann and sons have any newsletters or
 17 bulletins that went out to the insulators?
 18 A No.
 19 Q During the time that you were a journeyman
 20 insulator.
 21 A No.
 22 Q During the time that you were a journeyman
 23 insulator and even a field superintendent up until
 24 the late 60's, when through word of mouth you
 25 learned about asbestos, had you ever seen the word

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1 or respirators or any type of air respirator or air
 2 protective equipment?
 3 A No.
 4 Q And you say some masks were used by some of the
 5 people. Was that a product -- or strike that.
 6 Were those masks that were used by some of the
 7 people provided by Sprinkmann & Sons?
 8 A My recollection was they were available to people
 9 who wanted them.
 10 Q Not required.
 11 A No.
 12 Q By the way, sir, if there's any time you need to
 13 take a break, just let me know. This is not a
 14 marathon.
 15 A It only seems like one.
 16 Q Was the use of masks by some of the workers about
 17 the same time that you first heard by word of mouth
 18 about asbestos being in insulation?
 19 MR. CELBA: I'm going to object. It's
 20 argumentative, and it's repetitious.
 21 MR. SCHENK:
 22 Q It's not intended to be argumentative, sir. Not to
 23 you at least.
 24 A Yes.
 25 MR. FERGAL: I'll object on foundation.

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1 Calls for speculation.
 2 MR. CELBA: Join.
 3 MR. SCHENK:
 4 Q Is it your best recollection that there's some
 5 similarity in time periods --
 6 A Yes.
 7 Q -- between the time when masks were first being
 8 used and insulating, insulation containing --
 9 better reask it just so there's clarity to it. Is
 10 there some similarity in time between when you
 11 recall masks first being used by some insulators
 12 and when you first became aware of insulation
 13 containing asbestos?
 14 MR. CELBA: Same objection. Vague,
 15 ambiguous, indefinite.
 16 MR. FERGAL: Join.
 17 THE WITNESS:
 18 A Yes.
 19 MR. SCHENK:
 20 Q Was the installation of insulation a dusty job?
 21 A Yes.
 22 Q Would that be true for putting in new insulation as
 23 well as doing repair work?
 24 A Yes.
 25 Q When you first --

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1 Q Were you getting any bulletins or newsletters or
 2 anything in writing from anybody in the industry
 3 that gave you some information about asbestos and
 4 potential health effects?
 5 A I don't recall anything like that.
 6 Q Who was your immediate supervisor at Sprinkmann &
 7 Sons when you were a field superintendent?
 8 A Gentleman by the name of Kenneth Karn.
 9 MR. CELBA: I'm going to move to -- by the
 10 way, going back to that about information from the
 11 industry, it's vague as to time.
 12 MR. SCHENK:
 13 Q You understood, sir, that I was asking about the
 14 time period in the late 1960's when you first heard
 15 about it by word of mouth.
 16 A Yes.
 17 MR. CELBA: Well, that's argumentative.
 18 Speculation on the part of the witness. Move to
 19 strike.
 20 MR. SCHENK:
 21 Q Okay. Mr. Karn held what position for Sprinkmann &
 22 Sons?
 23 A I believe he was a vice-president.
 24 Q Was he a vice-president of a certain department or
 25 was he a --

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1 MR. CELBA: I'm going to object to the
 2 lack of foundation, argumentative form, and it's
 3 vague and ambiguous as to dusty, as to those
 4 questions as to dusty job. Also, indefinite as to
 5 time. And broad.
 6 MR. SCHENK:
 7 Q Sir, when you first learned that asbestos was
 8 contained in insulation, did you also learn around
 9 that time that there may be some health effects
 10 from being exposed to asbestos?
 11 MR. FERGAL: Object as to form. Time.
 12 Indefinite.
 13 THE WITNESS:
 14 A Yes.
 15 MR. SCHENK:
 16 Q Was that also by word of mouth or was that through
 17 some documents that you may have read?
 18 A By word of mouth.
 19 Q We've been using this expression, but maybe if you
 20 could help me out by explaining what you mean by
 21 word of mouth.
 22 A Just talk that was circulating in the industry.
 23 Q By industry are you referring to the insulator's
 24 industry, or insulation industry, or what industry?
 25 A Insulation industry.

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1 A I believe thermal insulation.
 2 Q How long, if you know, did he remain vice-president
 3 of thermal insulation? For Sprinkmann & Sons.
 4 A Till his death. And the year I don't recall. It
 5 was after I became field superintendent.
 6 Q Would it have been in the 1970's or 60's? If you
 7 can recall.
 8 A 19 -- just give me a minute --
 9 MR. FERGAL: You're asking now about when
 10 Mr. Karn's death would have been?
 11 THE WITNESS:
 12 A Yeah. May have been in the early 80's.
 13 MR. SCHENK:
 14 Q Okay. Who replaced him in the early 80's as the
 15 vice-president of thermal insulation?
 16 A Norbert Luken. L-u-k-e-n.
 17 Q N as in Nancy? Luken?
 18 A Luken.
 19 Q Do you recall or do you know when Mr. Karn became
 20 vice-president of thermal insulation?
 21 A I have to back up. I'm sorry. I may have given
 22 you the wrong date on Kenneth Karn. His death
 23 occurred in the 70's.
 24 Q Was there somebody between Mr. Karn and Mr. Luken
 25 then?

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1 A No. It was Mr. Karn and Mr. Luken.
 2 Q Would have been early or late 70's, do you know,
 3 that Mr. Luken took over?
 4 MR. FERGAL: Object on foundation. I
 5 think we're now speculating.
 6 THE WITNESS:
 7 A Probably middle 70's.
 8 MR. SCHENK:
 9 Q My earlier -- and I appreciate the clarification --
 10 my earlier question was do you know or do you
 11 recall when Mr. Karn became vice-president of
 12 thermal insulation? I believe there was an
 13 objection.
 14 A No, I do not.
 15 Q Did there come a time at Sprinkmann & Sons when
 16 insulators were required to use some type of
 17 respiratory protection?
 18 MR. FERGAL: Object to the form of the
 19 question. Vague.
 20 THE WITNESS:
 21 A No.
 22 MR. SCHENK:
 23 Q Other than the paper masks that were available but
 24 not required, were there any other types of
 25 respiratory protection made available to insulators

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1 say that -- let me withdraw that.
 2 MR. SCHENK: Go back to the answer two
 3 questions ago. I want to use the same words, in
 4 fairness to Mr. VanBeck.
 5 (Record read)
 6 Q Let me just ask this, and then we'll take our
 7 break. Is it your recollection that Sprinkmann &
 8 Sons was installing asbestos containing products
 9 until such time as they were discontinued?
 10 MR. FERGAL: Object to form, foundation.
 11 THE WITNESS:
 12 A Yes.
 13 MR. SCHENK: Counsel would like to take a
 14 break, and that's fine with me.
 15 (Short recess was taken)
 16 MR. SCHENK:
 17 Q Mr. VanBeck, did -- when you were at a job site at
 18 a WEPCO power plant, would the WEPCO employees be
 19 working at the same time as the insulators were
 20 working? In the plant?
 21 MR. FERGAL: Object to form. Vague as to
 22 location.
 23 MR. CELBA: And time too. It's vague and
 24 indefinite as to that.
 25 THE WITNESS:

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1 at Sprinkmann & Sons?
 2 A Not that I'm aware of.
 3 Q Do you know until what year Sprinkmann & Sons sold
 4 asbestos containing products?
 5 MR. FERGAL: Object on foundation.
 6 THE WITNESS:
 7 A Very early 1971 or 1972.
 8 MR. SCHENK:
 9 Q All right. And until what year did Sprinkmann &
 10 Sons use asbestos containing products? Thermal
 11 insulation products.
 12 MR. FERGAL: Same objection.
 13 THE WITNESS:
 14 A Was discontinued at that time.
 15 MR. SCHENK:
 16 Q To your knowledge and recollection, Sprinkmann &
 17 Sons used the asbestos containing thermal
 18 insulation products until such time as they were
 19 discontinued.
 20 MR. FERGAL: Objection. Form, vague, and
 21 also foundation.
 22 THE WITNESS:
 23 A Discontinued by whom?
 24 MR. SCHENK:
 25 Q I'm sorry. Maybe I misunderstood. What did you

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1 A At times.
 2 MR. SCHENK:
 3 Q Did people have to wear badges? Or some
 4 identification on their body?
 5 A That, again, at times.
 6 Q You would see at times people that were WEPCO
 7 employees working there when the insulators from
 8 Sprinkmann & Sons were working there?
 9 MR. CELBA: Again, vague and indefinite.
 10 MR. SCHENK:
 11 Q During the time that you were a field
 12 superintendent.
 13 MR. CELBA: Same objection.
 14 THE WITNESS:
 15 A Yes. There were times.
 16 MR. SCHENK:
 17 Q What about during the years, the ten years that you
 18 were an insulator, that is from '56 to '66, would
 19 that be true as well during that time period?
 20 MR. CELBA: Same objection. I don't know,
 21 that's a lack of foundation, whether he was there
 22 at that time.
 23 THE WITNESS:
 24 A It may have been.
 25 MR. CELBA: Move to strike. Speculation.

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MR. FERGAL: Speculation.

MR. SCHENK:

Q You don't recall being at any of the -- any WEPCO power plant facility as a journeyman?

MR. CELBA: Well, object. That's repetitious.

THE WITNESS:

A I thought that was established. That I was there at sometime.

MR. SCHENK:

Q I know. But we had an objection. I want to go back and re-lay a foundation. During that time that you were at a WEPCO facility as an insulator, did you see persons there who were WEPCO employees?

MR. CELBA: Again, lack of foundation. Misconstrues the testimony of this witness.

THE WITNESS:

A I don't recall any.

MR. SCHENK:

Q You don't recall one way or the other.

A No.

Q As an insulator, were you ever at a WEPCO facility to do repair work?

A In what capacity?

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A I had no knowledge of that.

MR. SCHENK:

Q You as a field superintendent never did that, that is, to provide information to WEPCO employees, correct?

A Correct.

Q Until the time that you recall in the early 1970's, whatever the date you said that asbestos insulation was still being used, had you ever seen any warning label on any box of insulation that contained asbestos?

MR. FERGAL: Asked and answered.

MR. CELBA: Objection. Repetitious, and a lack of foundation with respect to this witness. Vague and ambiguous.

MR. FERGAL: Go ahead.

MR. CELBA: And indefinite.

MR. SCHENK: He has a few more I'm sure. When he's done, you get to answer.

MR. CELBA: That's it.

THE WITNESS:

A Not that I'm aware of.

MR. SCHENK:

Q At some point in time, did you have occasion to see insulation material that you understood was

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Q As an insulator.

A Yes.

Q Plant was in operation when you were there to do repair work?

A It may have been during a shut down.

Q When you say during a shut down, would a unit be shut down?

A Yes.

Q While you were working on it?

A Yes.

Q The other units would be in operation.

A Yes.

MR. FERGAL: Objection. Foundation.

MR. SCHENK:

Q Was that your observation?

A Yes. As far as I could tell.

Q Did Sprinkmann & Sons provide any masks or respirators to any of the WEPCO employees during the time that Sprinkmann was doing insulation work?

A Not that I'm aware of.

Q Did Sprinkmann & Sons provide any information to WEPCO employees with regard to asbestos being a potential health hazard?

MR. FERGAL: Object on foundation.

THE WITNESS:

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asbestos free?

A At sometime when?

Q After asbestos was no longer, to your knowledge, used in insulating products, thermal insulating products.

A I assumed it was asbestos free.

Q What I'm asking is, aside from your assumptions, was there anything that you came to learn specifically, either by packaging, or instructions, or brochures, or anything of that kind, that specifically told you this product, this thermal insulation product is asbestos free?

A I don't specifically recall seeing that.

Q For example, did you ever see any boxes of thermal insulating products that actually had the word asbestos free on the outside?

MR. CELBA: I'm going to object.

Repetitious. It doesn't matter.

THE WITNESS:

A I don't recall seeing that at that time.

MR. SCHENK:

Q Okay. Big black letters?

MR. FERGAL: Let me guess whose products.

MR. CELBA: Should we say there's a reason why he would not see that?

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MR. SCHENK:

Q You don't recall that?

A No.

Q Let's talk about some of the products that were being used at Sprinkmann & Sons. During the time that you were a journeyman insulator, do you recall the brand names of any of the products that were being -- insulating products that were being used?

A Yes, I can recall some names.

Q Okay. What were the manufacturers that you can recall, during the time that you were a journeyman?

MR. CELBA: I'm going to object as vague and indefinite as to time, overly broad.

MR. SCHENK:

Q Go ahead, sir.

A Johns-Manville, Owens-Corning, Eagle-Picher, Baldwin-Ehret-Hill, Carey. There may be some more that I just can't remember at the time.

Q Raybestos Manhattan cloth?

A The word Raybestos does ring a bell.

MR. CELBA: I also object, it's vague and ambiguous, indefinite as to locations, so forth. Working conditions.

MR. SCHENK: I didn't ask location, I just

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THE WITNESS:

A Those are the manufacturers I remember seeing.

MR. SCHENK:

Q Being used at Sprinkmann & Sons.

A Yes.

MR. CELBA: Same objection.

MR. SCHENK:

Q Do you recall what type of JM products Sprinkmann & Sons was using during the time that you were a journeyman?

A May have been block and pipe insulation.

Q Can you recall what years you remember seeing block and pipe insulation being used that was JM product?

A No, I can't be specific on that.

Q Would it have been throughout those ten years?

A It may have been.

MR. FERGAL: Objection. Calls for speculation.

THE WITNESS:

A All I can tell you is it may have been.

MR. SCHENK:

Q Any cement products by JM?

A I'm not quite sure on the cement. I would be speculating.

Q You mentioned Owens-Corning.

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asked --

MR. CELBA: That's one of the problems we have with the question. It's overly broad.

MR. SCHENK: We'll get to those in a minute. I figured I'd draw the objection when I ask a specific question.

MR. CELBA: You got the objection.

MR. SCHENK:

Q And I'm asking, without regard to specific location, I just want to know what brand Sprinkmann & Sons was using in general; was that your understanding?

A Yes.

MR. CELBA: I'm going to object. Same objection. Could I just stop here? Could you read me the initial question?

(Question read)

MR. CELBA: Okay.

MR. SCHENK:

Q I thought the question was more specific. What I'm asking is what products Sprinkmann & Sons was using during the time that you were a journeyman, were those the products that you were referring to?

MR. CELBA: Same objection as previously stated.

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A Yes.

Q What Owens-Corning products do you recall being used by Sprinkmann & Sons during the ten year period that you were a journeyman?

MR. CELBA: I'm going to object, lack of foundation, vague, ambiguous, indefinite as to time, location and product.

THE WITNESS:

A Block and pipe insulation and fiberglass insulation.

MR. SCHENK:

Q When you say -- you mentioned three different types of products; is that correct?

MR. CELBA: I'm going to object. That's argumentative.

MR. SCHENK:

Q You were shaking your head. You can answer.

A Yes.

Q You distinguish fiberglass from the pipe covering and block?

A Fiberglass was also pipe covering material.

Q When you referred to it as pipe insulation, block and fiberglass, what did you mean by that?

A I guess I was using it in the terms of, at that time, Mag, 85% Magnesia.

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1 Q So you have a recollection of using 85% Mag
2 Owens-Corning Fiberglas product?
3 MR. CELBA: I'm going to object. He has
4 no -- there's no statement that he used any of
5 that. That's argumentative, counsel, it's a lack
6 of foundation as to this man's use.
7 MR. SCHENK:
8 Q You may answer the question.
9 A When I use 85% --
10 MR. CELBA: Excuse me. Restate the
11 previous objection as vague, indefinite, so forth.
12 MR. SCHENK:
13 Q You may answer.
14 A When I use the term 85% Magnesia in my mind that's
15 a generic term. Could apply to anybody.
16 Q Are you able to distinguish and tell the difference
17 between a fiberglass insulation and an 85 Mag
18 insulation product?
19 A Yes.
20 MR. FERGAL: Object to the form. Vague.
21 MR. SCHENK:
22 Q Having been a journeyman insulator you're able to
23 tell the difference.
24 A Yes.
25 Q When you were talking about Owens-Corning products,

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1 Q Similar to the block and pipe covering product that
2 you'd see coming out of an Owens-Corning box?
3 MR. CELBA: I'm going to object. There's
4 a lack of foundation that this witness ever saw a
5 Owens-Corning Fiberglas product come out of a box.
6 Counsel, you're now testifying for this witness.
7 I'm going to object, it's argumentative, it
8 misstates the testimony of this witness, it's
9 vague, ambiguous, indefinite as to time, location.
10 MR. SCHENK:
11 Q You may answer.
12 A Restate the question.
13 Q Was the Baldwin-Ehret-Hill product similar to the
14 product that you associate with Owens-Corning
15 Fiberglas block and pipe covering?
16 MR. CELBA: I'm going to object as to
17 similar, as being vague and ambiguous, indefinite,
18 and lack of foundation as to this witness. As to
19 similarity.
20 THE WITNESS:
21 A I do not include the fiberglass in that category.
22 MR. SCHENK:
23 Q And I did not ask you about the fiberglass. That's
24 why I talked about the pipe covering and block that
25 you associate with Baldwin-Ehret-Hill. Was that

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1 were you describing both the 85 Mag and the
2 fiberglass as to two different products that you
3 recall being used at Sprinkmann & Sons while you
4 were a journeyman?
5 MR. CELBA: Same objection as previously
6 stated. Particularly lack of foundation as to this
7 witness.
8 THE WITNESS:
9 A In that context, yes.
10 MR. SCHENK:
11 Q What about Eagle-Picher, what products, if any, do
12 you recall being used specifically by Sprinkmann &
13 Sons during the time that you were a journeyman
14 insulator?
15 A Insulating cement.
16 Q Eagle 66.
17 A Yes.
18 Q Any other Eagle-Picher product?
19 A No. Not that I can remember.
20 Q BEH, what specific products do you recall being
21 used by Sprinkmann & Sons? Baldwin-Ehret-Hill.
22 A I recall that being a pipe and block insulation.
23 Q Similar to the pipe covering and block that you saw
24 coming out of a JM box?
25 A Yes.

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1 similar to the pipe covering and block that you
2 associate with Owens-Corning? Setting aside
3 whatever fiberglass products you recall.
4 A Yes.
5 MR. CELBA: Same objection.
6 MR. SCHENK:
7 Q What about Carey products, what type of products do
8 you associate with Carey? Philip Carey?
9 A I recall that being block and pipe insulation.
10 Q Similar to the other manufacturers of the 85 Mag
11 type product?
12 A Yes.
13 Q Did Sprinkmann & Sons have in their inventory any
14 asbestos rope products?
15 MR. FERGAL: Objection. Vague as to time.
16 MR. SCHENK:
17 Q While you were an insulator. Fair enough?
18 A They may have.
19 MR. CELBA: I'm going to object as, again,
20 as to vague as to time. When using the term as an
21 insulator. Vague as to time.
22 MR. SCHENK:
23 Q You recall telling us you were an insulator for ten
24 years, correct? '56 to 1966?
25 MR. CELBA: I'm going to object. He's

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told us he was an insulator, worked with insulation from 1948 on.

MR. SCHENK:

Q Sir, you were an insulator, journeyman insulator from '56 to '66; is that correct? Fair and correct?

MR. CELBA: Well, I'm going to object. Now you're throwing in another term here. It's a compound question. Journeyman and insulator.

MR. SCHENK:

Q Is that correct, sir, you were a journeyman insulator from '56 to '66, correct?

A I was a journeyman insulator.

MR. CELBA: I'm going to object because, counsel, you now qualified insulator as a journeyman.

MR. SCHENK:

Q Sir, when my questions were being asked of you, what insulation products you used, I was referring to the time that you were an insulator, as a journeyman insulator. Is your answer different, keeping in mind that ten year period?

MR. CELBA: I'm going to object, in that now you're changing all the questions asked this witness.

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period in your mind?

A Yes.

Q Without belaboring it, and not wanting to take too much time, are the products that you identified earlier the same products, the same manufacturers when you were a field superintendent, or are they different manufacturers?

MR. FERGAL: Objection. Overly broad.

MR. SCHENK: Then we'll go through it. Fair enough. No problem. We'll go through it. We'll just go right through it.

Q During the time that you were a field superintendent from early 1966 until early 1970's as you described when they were discontinued, which manufacturers of thermal insulation products do you recall being used by Sprinkmann & Sons?

MR. CELBA: I'm going to object, vague ambiguous, indefinite, overly broad as to time and location, and lack of foundation.

MR. SCHENK:

Q Go ahead, sir.

A I remember Johns-Manville, Owens-Corning. I'm not sure about the other people. Whether they were still around or not.

Q That is Eagle-Picher?

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MR. SCHENK: Just tell me what your objection is.

MR. CELBA: Vague, ambiguous.

MR. SCHENK: There you go.

MR. CELBA: Overly broad, argumentative in form, and a lack of foundation, indefinite, calls for this witness to speculate at this time.

MR. SCHENK:

Q Do you have the question in mind? Or do you want it read back to you? We could read it back.

A I want it read back.

MR. SCHENK: Fair enough.

(Question read)

THE WITNESS:

A No.

MR. SCHENK:

Q Once you became a field superintendent, did you have occasion to see the types of thermal insulation products being used by Sprinkmann & Sons?

A Yes.

Q From the early 1966 time period when you became a field superintendent until the time that, in the early 1970's as you testified, that asbestos products were discontinued, do you have that time

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A Eagle-Picher.

Q You're not sure about Eagle-Picher.

A Yeah. Eagle-Picher would have been in there.

Q What about Baldwin-Ehret-Hill?

A I'm not sure.

Q What about Carey?

A I'm not sure about those people either.

Q What about Raybestos Manhattan?

A I'm not sure on them either.

Q I don't know that -- we went off on a tangent

before, and I was asking you whether Sprinkmann & Sons ever used any asbestos containing rope material. I don't remember what your response was.

A My answer was they may have been. I think that was my answer.

Q Okay. What about asbestos?

MR. FERGAL: Object as speculative.

MR. SCHENK:

Q What about asbestos containing packing material, do you recall any of that?

A I'm not quite sure what you mean by that.

Q Packing. You don't know what asbestos packing is?

A No.

Q Okay. What about gasketing materials?

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1 A I have no knowledge of that.

2 Q Did Sprinkmann & Sons use a product called

3 Fiberkote, f-i-b-e-r-k-o-t-e, to your knowledge?

4 A Yes.

5 Q When was Fiberkote product that was being used by

6 Sprinkmann & Sons?

7 A I remember it being used at Port Washington power

8 plant.

9 Q And do you recall who manufactured Fiberkote?

10 A No, I don't.

11 Q Do you remember it being a Baldwin-Ehret-Hill

12 product by any chance?

13 A No.

14 Q What form did the Fiberkote product take?

15 A I guess best described as a mastic type material,

16 soft, workable.

17 Q What applications did it have?

18 A As I remember, it was used as a final finish on

19 insulation.

20 Q Was it like a cement product?

21 A It was applied, as I recall, with a trowel.

22 Q It was -- did it come in buckets or in big

23 containers of some kind?

24 A Yes.

25 Q Drums?

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1 lack of foundation.

2 THE WITNESS:

3 A I have no knowledge of that.

4 MR. SCHENK:

5 Q Did Sprinkmann & Sons have a warehouse?

6 A Yes.

7 Q Were any of those products warehoused at Sprinkmann

8 & Sons?

9 MR. CELBA: Same objection.

10 MR. FERGAL: Vague as to time.

11 THE WITNESS:

12 A They may have been.

13 MR. CELBA: Same objection. Move to

14 strike. Speculation, compound.

15 THE WITNESS:

16 A May have been.

17 MR. CELBA: Move to strike. Same

18 reasons. Compound, speculation.

19 MR. SCHENK:

20 Q Did Sprinkmann & Sons have a warehouse where

21 insulating products would be kept?

22 A Yes.

23 Q Can you describe that warehouse for me? What did

24 it look like. Size.

25 A It was I remember an old building, I believe it had

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1 A At times.

2 Q Did it ever come in a dry form?

3 A Not that I'm aware of.

4 Q Came in a wet form?

5 A Yes.

6 Q And then it would dry on the surface of the pipe?

7 A Yes.

8 Q Other than Port Washington, do you recall it being

9 used at any other location by Sprinkmann & Sons?

10 A It may have been.

11 Q You just don't recall.

12 A No. I couldn't be specific on it.

13 Q From the time that you became field superintendent

14 were there any particular precautions taken against

15 creating dust while working at any WEPCO facility?

16 MR. FERGAL: Object to the form of the

17 question. Vague.

18 THE WITNESS:

19 A Not that I'm aware of.

20 MR. SCHENK:

21 Q The products that you referred to earlier, the

22 various manufacturers, were those products

23 warehoused at WEPCO?

24 MR. CELBA: I'm going to object, it's

25 vague and ambiguous, indefinite, overly broad, and

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1 four stories in it. Downtown Milwaukee.

2 Q And in that four stories would product be kept on

3 each floor?

4 A Yes. I assume so.

5 Q Did you ever have occasion to go in the warehouse?

6 A Yes.

7 Q Over what period of time, do you recall?

8 A Periodically. When I became field superintendent I

9 was there a great deal of the time. Before that it

10 was just periodically.

11 Q When you would be in that facility, did you have

12 occasion to see the various manufacturer's names on

13 containers of thermal insulation products of those

14 companies that you referred to earlier?

15 MR. CELBA: I'm going to object as vague

16 and ambiguous, indefinite, as to various

17 manufacturers referred to earlier as being compound

18 in nature. And lack of foundation.

19 MR. SCHENK:

20 Q Did you understand my question?

21 A Uh-hm.

22 Q Is that a yes?

23 A Yes.

24 Q What's your answer then to the question?

25 A Oh, I'm sorry. Yes, I probably did see those

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materials in there.

MR. CELBA: I'm going to move to strike as speculation on the part of the witness.

MR. SCHENK: In California "probably" is different than "possible". Maybe it's different here.

Q Did you ever have occasion to see --

MR. CELBA: Also, by the way, compound, vague and ambiguous as to products. Just in case. Reemphasize that point for the judge.

MR. SCHENK: Very well. You'll have your opportunity again.

Q When you were field superintendent working at one of the WEPCO facilities, do you recall which manufacturers of thermal insulation products you saw at a WEPCO facility?

A No.

MR. CELBA: Well --

MR. SCHENK: Do you want to make an objection, counsel? Go right ahead.

MR. CELBA: Let me hear the question again.

(Question read)

MR. FERGAL: The answer was no.

MR. SCHENK: Go ahead. Make your

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distributor, for example, of Baldwin-Ehret-Hill for a particular territory.

A I have no --

MR. FERGAL: Objection. Calls for speculation.

THE WITNESS:

A I had no knowledge of that at the time.

MR. SCHENK:

Q I'm not saying at the time. I'm asking as now being vice-president of thermal insulation for Sprinkmann & Sons, have you become aware in your job capacity that Sprinkmann & Sons was ever --

A No.

Q -- an exclusive distributor?

A No.

Q Was there any manufacturer that Sprinkmann & Sons chose not to purchase from, that you're aware of? Specifically made a conscious decision to not purchase a particular manufacturer's thermal insulation product.

A Not that I know.

MR. FERGAL: Objection as to foundation.

MR. CELBA: Vague, ambiguous, argumentative, indefinite as to time and location. And lack of foundation.

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objection.

MR. FERGAL: I'll object.

MR. SCHENK: You may want to.

Q Would it be fair to say that the thermal insulation products were used interchangeably by Sprinkmann & Sons at the various work sites? That is, 85 Mag JM product could be used along with an 85 Mag Baldwin-Ehret-Hill product if it was the same size and dimension?

MR. CELBA: I'm going to object as vague, ambiguous, indefinite, argumentative, and lack of foundation. It's indefinite as to time and location. And it calls for speculation.

MR. SCHENK:

Q You may answer.

A Yes.

Q Was Sprinkmann & Sons ever an exclusive distributor for any thermal insulation product manufactured by any specific manufacturer?

MR. FERGAL: Objection. Foundation.

THE WITNESS:

A I have no knowledge of that.

MR. SCHENK:

Q So sitting here today, you're not aware that Sprinkmann & Sons ever was an exclusive

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MR. SCHENK:

Q Did Sprinkmann & Sons have Worker's Compensation coverage for its insulators?

A I'm not -- I wasn't privileged to that information.

Q Sitting here today, do you know whether Sprinkmann & Sons has coverage for any of the insulators that are employees of the company?

A Today?

Q Yes.

A Yes.

Q Do you know whether there was that coverage -- strike that. Let me ask you this. When did you become vice-president of --

A Early 1980's, middle 1980's.

Q From the time that you first became a vice-president of the company, were you aware that Sprinkmann & Sons maintained Worker's Compensation insurance?

A Yes.

Q And it had been ongoing for sometime prior to that?

A I have no knowledge of that.

Q Had there ever been, to your knowledge, any Worker's Compensation claims made by any current or former insulators who were employed by Sprinkmann &

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Sons for any respiratory diseases?

MR. FERGAL: Object -- what point in time? Ever?

MR. SCHENK: To the present time.

MR. FERGAL: Well, object on foundation for pre-vice-president time period. Based on his answers.

MR. SCHENK: First I'm asking if he knows of it, then I'll ask about it.

THE WITNESS:

A Are you asking -- finished?

MR. FERGAL: Yeah. Go ahead.

THE WITNESS:

A Are you asking Workman's Comp claims?

MR. SCHENK:

Q Yes. Workers Comp claims.

A I believe there was some Workman's Comp claims.

Q When did you first become aware of a Worker's Compensation claim being made by a current or former employee of Sprinkmann & Sons related to an asbestos disease?

A I really couldn't tell you.

Q All right. Could you give me the decade in which you first became aware of such a claim?

MR. FERGAL: Object. Foundation.

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Q Do you know the names of any of the individuals who filed Worker's Compensation claims?

A This is my --

MR. FERGAL: I object. I think this is inherently speculative, in the sense that you're asking him did he hear of it, that that includes everything from rumor --

MR. SCHENK:

Q I want only what you know. If you're not sure, then tell me you're not sure.

A I'm not sure.

Q Well, there may be some that you are sure and some that you're not sure of. What I'm trying to exclude are the ones that you're not sure of.

A I have not seen documentation. I hear rumors, I hear stories.

Q So you know they occurred because you've been told, not because you've seen anything.

A Yes.

Q Would the same be true with regard to the third-party claims or cases, that is, you've heard about them but you've not seen any documentation?

A On third-party cases against manufacturers?

Q Yes.

A I'm not sure if -- obviously, you know, I've been

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THE WITNESS:

A I would only speculate.

MR. SCHENK:

Q Was it before you became vice-president of the company?

A It may have been.

Q I'm sorry, you became vice-president what year?

A Around 1983, I believe it was.

Q Were you aware of any persons filing any third-party cases? And by third-party cases I'm talking about lawsuits not against Sprinkmann & Sons, but against some other entity such as a manufacturer of insulation products, by any persons who are currently or were formerly employees of Sprinkmann & Sons?

A I think there were --

MR. FERGAL: Just going to object to the form of the question. Foundation.

MR. CELBA: Same objection.

THE WITNESS:

A I believe there were some suits filed.

MR. SCHENK:

Q Do you recall when was the first occasion that you became aware of such suits filed? Being filed?

A No.

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given depositions before, so somehow I was involved in some of it. So I knew it.

Q I know you've been deposed five or six times. I haven't asked you whether any of those people were former or current employees of Sprinkmann & Sons. Were any of them current or former employees?

A No.

Q Sir, do you know what mesothelioma is?

MR. FERGAL: I'll just object, to the extent you're asking him for a medical definition.

THE WITNESS:

A I guess that's my point.

MR. SCHENK:

Q Are you aware of the word?

A Yes.

Q What do you associate that word with?

MR. FERGAL: Objection.

MR. CELBA: Objection. Lack of foundation.

MR. SCHENK:

Q Go ahead.

A I'm not a medical man. I have, you know, whatever I hear is hearsay. I have no documentation.

Q We'll get into that. But I'm entitled to know the extent of your knowledge. So to the extent that

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1 you know or are aware of the word, I'm entitled to
2 know what you associate it with.
3 A Asbestos is what I've been -- what I've been
4 hearing.

5 Q When did you first hear or learn that asbestos is
6 associated with mesothelioma?

7 A Oh Lord. 70's probably.

8 Q Okay. And was that in association with a
9 particular claim or lawsuit that was filed, or
10 something other than that?

11 A Just other than that.

12 MR. FERGAL: I'll just object. On
13 foundation. I think speculation. Even as to
14 time. Move to strike that former answer as
15 speculative.

16 MR. SCHENK: Fair enough.

17 Q When you say sometime in the 70's, was that early
18 in the 70's?

19 MR. FERGAL: Objection. Foundation.

20 THE WITNESS:

21 A I have no idea.

22 MR. SCHENK:

23 Q Do you recall what it was that -- strike that. Do
24 you recall how it was that you became aware of some
25 association between asbestos and mesothelioma? In

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1 A No.
2 Q Do you know what chrysotile is?
3 A Yes.
4 Q Do you know whether or not any of the thermal
5 insulating products used by Sprinkmann & Sons
6 contained chrysotile?
7 A I have no definite knowledge of that.
8 Q We talked about amosite, so I'll ask the question
9 generally. Are you aware of amosite fibers being
10 used in any thermal insulating products being used
11 by Sprinkmann & Sons insulators?

12 MR. FERGAL: Objection. Indefinite time
13 and location.

14 MR. CELBA: Same objection.

15 MR. SCHENK: We'll get into that if I get
16 a yes.

17 MR. FERGAL: No. I understand.

18 THE WITNESS:

19 A Yes.

20 MR. SCHENK:
21 Q Over what period of time are you aware of an
22 amosite product being used by Sprinkmann & Sons
23 employees?

24 A I would say probably through the 50's and 60's.

25 Q And we talked --

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1 the 70's.
2 A Just through word of mouth, I believe, and talk.
3 Q It wasn't through anything that you had read.
4 A No.
5 Q Does -- strike that. To your knowledge, from the
6 time that you first began to work at Sprinkmann &
7 Sons until the present time, at any time, has
8 Sprinkmann & Sons ever had a medical director
9 employed by the company?
10 A Not that I'm aware of.
11 Q During that time period, has Sprinkmann & Sons ever
12 had an industrial hygienist employed by the
13 company?
14 A Again, not that I'm aware of.
15 Q At any time during that same time period has
16 Sprinkmann & Sons ever had any health care
17 professional on its staff at Sprinkmann & Sons?
18 A No.

19 MR. FERGAL: To your knowledge.

20 THE WITNESS:

21 A To my knowledge, no.

22 MR. SCHENK:

23 Q Do you know anything about the fiber types with
24 regard to the insulating products that were used by
25 Sprinkmann & Sons?

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1 MR. FERGAL: Just object on foundation.
2 MR. CELBA: I join in that objection.
3 MR. FERGAL: Move to strike the answer.
4 MR. SCHENK:

5 Q We talked earlier about blankets. Is there
6 anything else that you associate the amosite with
7 aside from blankets?

8 A Yes.

9 Q What is that?

10 A Product called Unibestos.

11 Q We did not discuss Unibestos earlier when I asked
12 you about manufacturers. Is that a name that you
13 now recall? In addition to the others?

14 A Yes. I may have misunderstood your question. You
15 were talking directly into the power plant.

16 Q You associated those names earlier with the power
17 plants?

18 A Yes. I was assuming you were directing the
19 question toward the power plants.

20 Q Okay. I was not. I was asking general. But do
21 you associate those manufacturer's names with the
22 power plants? Those manufacturers --

23 A Yes.

24 Q -- that we've discussed?

25 MR. CELBA: Same objection as previously

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1 stated to those questions.

2 MR. SCHENK: I understand.

3 Q Do you not associate Unibestos with the power
4 plants however?

5 A Indirectly.

6 Q How so?

7 A It was used on transmission lines from the power
8 plant.

9 Q It would be outside the facility?

10 A Yes.

11 Q Do you recall what years the Unibestos products
12 were being used?

13 A I think about in the 60's.

14 Q Early 60's?

15 A Later 60's.

16 Q Are you aware, or do you recall the name Pittsburgh
17 Corning?

18 A Yes.

19 Q Do you recall a name called UNARCO?

20 A I remember the name UNARCO, yes.

21 Q Do you associate this Unibestos product with either
22 one or both of those names?

23 A One.

24 Q Which one?

25 A Pittsburgh Corning.

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1 I through 97; have you had an occasion to do that?
2 I know there's a lot of documents here. You may
3 not have looked at each one. Have you scanned
4 through these documents?

5 A Scanned.

6 Q In order to try to save some time here today to
7 move this process along, what I'd like you to do is
8 look through them and tell me if there are any
9 documents that you can identify, either by way of
10 signature or by way of content, and that way we
11 could save some time. You may not be able to do
12 that for each one, and I'd understand that. But if
13 there are some that maybe, for example, you
14 recognize a signature of a current or former
15 employee, or something about the content of it,
16 could you point that out to me? Maybe you could
17 just take a few minutes off the record in order to
18 do that.

19 MR. FERGAL: I guess I'm a little unclear
20 what you're asking him for. Because the vast
21 majorities of these documents, I think all but
22 three or four, predate his employment at
23 Sprinkmann, and all but those three or four, I
24 think, predate any employment as a supervisor
25 even. I mean, I think there are only three or four

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1 Q Good. That's consistent with the years that you're
2 talking about. I just wanted -- that's why I said
3 it.

4 MR. SCHENK: Off the record.

5 (Discussion off the record)

6 MR. SCHENK:

7 Q Other than the Unibestos product, is there any --
8 and the amosite blankets, do you associate amosite
9 with any other products?

10 A No.

11 MR. CELBA: Lack of foundation.

12 THE WITNESS:

13 A No, I don't recall, no.

14 MR. SCHENK:

15 Q Are you familiar with crocidolite?

16 A I know the term.

17 Q Do you associate crocidolite with any particular
18 product used by Sprinkmann & Sons?

19 MR. CELBA: Lack of foundation.

20 THE WITNESS:

21 A No.

22 MR. SCHENK:

23 Q What I'd like to do, sir, and before your
24 deposition began I had asked counsel if you would
25 look through these documents which have been marked

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1 documents from 1956.

2 MR. SCHENK: Yes. You're right. That
3 time period. There are some that are from '56 and
4 most are '48 or earlier. What I'm asking, however,
5 is if he can identify a signature that he's
6 familiar with, there may have been employees who
7 were there after the date or since the time that he
8 was working there.

9 MR. FERGAL: That's what I'm saying. Want
10 to go through to see about signatures.

11 MR. SCHENK: That's why I said signature
12 or content.

13 MR. SCHENK:

14 Q You're looking at Exhibit 1?

15 A Okay. Hold it.

16 MR. FERGAL: Why don't we take -- let him
17 go through the documents, because he did just look
18 at them, looked at dates before. Once he goes
19 through them, we can go back on the record. Let's
20 take five minutes.

21 (Short recess was taken)

22 MR. SCHENK: Back on the record then. Let
23 me ask you some questions about these.

24 Q Mr. VanBeck, I understand that over the last few
25 minutes you've again reviewed some of these, or

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1 these documents, looking to see if there's anything
 2 familiar about them, and I understand there's
 3 nothing familiar about these documents to you; is
 4 that correct?
 5 A That's correct.
 6 Q You also looked at the signatures on a number of
 7 these documents and cannot identify them; is that
 8 correct?
 9 A That's correct.
 10 Q Do you know who M.W. Simon is or was?
 11 A I've heard of Mr. Simon. I met him once.
 12 Q Okay. Who was he?
 13 A He was employee of Sprinkmann.
 14 Q In what capacity was he employed?
 15 A I'm not quite sure. He may have been a purchaser
 16 or a type of comptroller, I'm not exactly sure.
 17 MR. FERGAL: Objection. Move to strike as
 18 being speculative.
 19 MR. SCHENK:
 20 Q Did you ever see any documents over the what, 40
 21 some years, almost 40 years that you've been an
 22 employee of Sprinkmann --
 23 MR. FERGAL: 45.
 24 MR. SCHENK: I apologize.
 25 Q 45 years, you're right. I'm 40, and you were there

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1 Q All right.
 2 MR. FERGAL: December would make it move
 3 faster.
 4 MR. SCHENK: I'm sorry?
 5 MR. FERGAL: December would make it move
 6 faster.
 7 MR. SCHENK: It would. I do have these in
 8 chronological order.
 9 Q What I'd like to do is hand you what has been
 10 marked as Exhibit 75 and just ask you, without
 11 regard to the specifics of what's contained in this
 12 document, if you can identify it generally, if
 13 you're familiar with the work sheet.
 14 A I'm not.
 15 Q You're not familiar with that sheet. Okay. It is
 16 entitled Sprinkmann Sons Corporation material
 17 deliveries; is that correct?
 18 A That's what it says.
 19 Q And you've never seen a document -- without regard
 20 to what's been typed in, but specifically with
 21 regard to the printing of that document, what's
 22 printed on there, you've never seen a document that
 23 looked like that, is that correct?
 24 A No.
 25 Q Then what I'll hand you is, ask you to review

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1 since '48. In the 45 years that you've been
 2 associated with Sprinkmann & Sons where you've seen
 3 his signature, that is M.W. Simon's signature, on
 4 any documents in the course and scope of your work?
 5 A Not that I'm aware of, no.
 6 Q Did the company -- was the company called Fred
 7 Sprinkmann & Sons at one point in time, to your
 8 knowledge?
 9 MR. FERGAL: Object to foundation.
 10 THE WITNESS:
 11 A I'm not quite -- I can't be specific on that point.
 12 MR. SCHENK:
 13 Q What's the current name of the company?
 14 A Sprinkmann Sons Corporation.
 15 Q What I'd like to do is ask you some questions --
 16 MR. FERGAL: Off the record.
 17 (Discussion off the record)
 18 MR. SCHENK:
 19 Q That are dated -- continuation of my sentence. Let
 20 me start all over. What I'd like to do is ask you
 21 some questions with regard to a time period that
 22 you were employed at Sprinkmann & Sons. And I
 23 don't know what month in 1948 you began. Do you
 24 recall that?
 25 A I believe it may have been June.

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1 Number 77 for a moment. Invoice Number 25401, do
 2 you see that, sir?
 3 A Okay.
 4 Q Again without regard to that which has been
 5 handwritten in, but focusing on that which is
 6 printed on this document, have you ever seen that
 7 printed document at Sprinkmann Sons?
 8 A No.
 9 MR. FERGAL: Just to avoid any ambiguity,
 10 you're asking now, if you will, the form --
 11 MR. SCHENK: Right.
 12 MR. FERGAL: -- of the document.
 13 MR. SCHENK:
 14 Q The form. The printing, the offset printing, came
 15 from a printer as opposed to what is handwritten by
 16 an individual. The typed.
 17 A Not the specific document, but a form of this?
 18 Q Correct.
 19 A Yes.
 20 Q You've seen this type of document before. The form
 21 that is.
 22 A Form.
 23 Q Where it says Sprinkmann Sons asbestos cork and
 24 magnesia insulating materials.
 25 MR. FERGAL: He's asking you in blank or

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for any job, would you have ever seen this document that you see here? If you don't know, you don't know.

THE WITNESS:

A I'm not sure if I saw this exact document, no.

MR. SCHENK:

Q By document are you talking --

A I'm sorry. Go ahead.

Q By document I'm excluding where it says WIS period ELEC.

A I understand that.

Q Next please turn to Exhibit 86. And, again, excluding that which has been typed in by a typewriter or handwritten in, but focusing on the form itself, have you ever seen that form document at Sprinkmann Sons?

A No.

Q Turning to Exhibit 89. Are you familiar with the agreement between Sprinkmann Sons and WEPCO with regard to the insulation, thermal insulation material work that was to be performed on units one, two and three at Port Washington?

A No.

MR. FERGAL: I think the record should reflect what is contained here appear to be like

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Q All right. Sir, I'll read it, and see if you can respond. I believe it says, read along with me if you would, Fiberkote is made from high grade asphalt emulsion contained with extra quality long asbestos fibers forming a plastic material easy to apply, yet extremely durable in service. Sir, assuming that's what it says, do you agree with that description of Fiberkote?

A I can't agree with --

MR. FERGAL: Object on foundation.

MR. SCHENK:

Q Why is that?

A I have no knowledge of the composition of it.

Q All right. Going on down to the third paragraph. Can you make out that paragraph?

A No.

Q Are there any words that you can read in that paragraph?

A I'm not going to.

Q All right. Okay. I'll read it. The asbestos fibers used are the best grades of long fiber, of high tensile strength including blue fibers, paren, crocidolite, end of paren, which give protection against acids and fumes, and a brown fiber, paren, amosite, end paren, which is extremely bulky giving

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pages one and three. But are unsigned document.

MR. SCHENK: I understand that.

MR. FERGAL: Unexecuted.

MR. SCHENK: I just don't have Page 2.

That's why it's this way.

MR. SCHENK:

Q Next I'm going to hand you a document that agreeably is dated before your time, but I want to ask you some specifics. It's Exhibit Number 91. December 28, 1934.

MR. FERGAL: Literally before your time.

MR. SCHENK:

Q Well, you were around then. But before your --

MR. FERGAL: On his mother's knee.

THE WITNESS: Hopefully.

MR. SCHENK:

Q What I'd like to do is ask you to read the entry to yourself under Fiberkote. And then I'll ask you a question with regard to that.

A What paragraph? Okay. I see. I really have problems reading that.

Q I'll read it to you if you'd like. If you can't make it out. Or if counsel wants to read it with you.

A I can't read it.

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to Fiberkote the necessary binding qualities. The long fiber asbestos content gives Fiberkote certain insulating and fire-resisting values as well as its outstanding weather protecting service. A direct -- can't make out the next word -- applied to Fiberkote proves that the material will not support combustion. Are you sufficiently familiar with Fiberkote to agree or disagree with the quality of that material as it's described here?

MR. FERGAL: Assuming that what is written is as you've read it.

MR. SCHENK: Correct.

MR. FERGAL: Object on foundation.

MR. SCHENK: Except for the one word in that paragraph that I couldn't make out.

MR. FERGAL: Object on foundation.

THE WITNESS:

A I can't -- I can only -- I can't -- I have no idea or really know how good its quality is, really.

MR. SCHENK:

Q Sir, does Sprinkmann Sons Corporation maintain originals of documents such as the one that purports to be a Sprinkmann Sons document dated December 28, 1934 in its files?

MR. FERGAL: Object on foundation.

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THE WITNESS:

A I have no knowledge of these records.

MR. SCHENK:

Q I understand that you've never seen this before.

My question however is different. My question to you is, is there a place that I could find

Sprinkmann's copy as opposed to WEPCO's copy of this document?

A I have no idea.

Q You've never been asked to search for records with regard to the insulating products that were used, invoices pertaining to insulating products that were used at WEPCO?

A No, I have not.

Q Who is the president of the company?

A William Sprinkmann Junior.

Q How long has he been president?

A Oh my. There you go with your dates. Sometime in the 80's, I believe.

Q How old a gentleman is he?

A In his 40's.

Q And who preceded him as president of the company?

A William Sprinkmann Senior, I believe.

Q Is he still alive?

A Yes.

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in that capacity?

A I couldn't give you a definite answer on that.

MR. FERGAL: I take it you're almost done, Fred?

MR. SCHENK: Yes.

MR. FERGAL: Steve, are you going to have any?

MR. SCHENK: I'm not done yet.

MR. CELBA: Just a few.

MR. SCHENK:

Q Sir, could you estimate for me how many linear feet of piping Sprinkmann & Sons worked on at Port Washington when it first -- strike that. Let me ask you this. Do you know how many linear feet of insulated piping there is at Port Washington?

A No.

MR. FERGAL: Object on foundation. You're too fast for me.

THE WITNESS: Yeah. I got to remember to slow down.

MR. SCHENK:

Q Have you ever seen any blueprints with regard to the piping systems at Port Washington?

A I may have, yes.

Q Does that documentation exist at Sprinkmann & Sons?

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Q And do you know where he resides?

A I'm not quite sure where he's residing right now.

Q In the Milwaukee area?

A He may be.

Q When was the last time you saw him?

A Over a year ago, I believe.

Q Where was that?

A May have been in our office.

Q Do you know when he -- over what years he served as president of the company?

A I have no knowledge of that.

Q Was he president of the company when you first came there?

A I do not believe so.

Q He became president once you were already there?

A I believe he did.

MR. FERGAL: Object on foundation. Calls for speculation.

MR. SCHENK:

Q Is that --

A I think so.

Q Do you know when he retired as president?

A No.

Q Do you know or recall who was president of Sprinkmann & Sons before William Sprinkmann served

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A I don't think so.

Q Can you give me an approximate number of linear feet that Sprinkmann & Sons insulated at Port Washington?

A No.

MR. FERGAL: Object on foundation.

MR. SCHENK:

Q What about at Oak Creek? Can you give me an estimate of how many linear feet of pipe insulation work was done by Sprinkmann & Sons there?

A No.

MR. FERGAL: Objection. Foundation.

MR. SCHENK:

Q Sir, do you know what Enduro covering is?

A No.

Q Have you ever heard of Enduro as a product?

A That name does not -- is not familiar to me.

Q Where was the Sprinkmann & Sons offices located when you first went to work there?

A I believe it was 418 North 2nd Street.

Q Was there a phone number, if you recall?

MR. FERGAL: Area code first.

MR. SCHENK:

Q Marquette 2911?

A I have no idea what that phone number was.

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1 Q Does that refresh your recollection that the phone
2 number was Marquette 2911?
3 A No, it did not.
4 Q Sir, as either a superintendent or later as a
5 vice-president, have you signed any contracts with
6 WEPCO binding Sprinkmann & Sons for any particular
7 work?
8 A Yes.
9 Q When was the first time you did that?
10 A I have no idea.
11 Q Do you recall what the contract called for, that
12 is, what units at which facility?
13 A No.
14 MR. FERGAL: Based on that -- I don't know
15 if you're intending to go much further with this.
16 I don't know whether this would lead to relevant --
17 MR. SCHENK: My man worked there till
18 1988. I don't know what years that would be.
19 Q Would that have been prior to 1988 that you would
20 have been involved in the contracts between
21 Sprinkmann & Sons and WEPCO?
22 A Prior to 1988. Yes.
23 Q Yes. And through the objections here I lost your
24 answer. Do you recall which facilities that was
25 for?

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1 Q Would it be a fair statement to say that you don't
2 know what specific manufacturer's insulation
3 products were used on particular jobs, whether they
4 be for WEPCO or otherwise?
5 A Yes.
6 MR. CELBA: That's all I have.
7 (Short pause)
8 MR. FERGAL: I do want him to read it, and
9 then submit an errata sheet if we have any
10 corrections.
11 MR. SCHENK: And the original will be
12 forwarded to plaintiff's counsel. Then I will be
13 responsible for maintaining it until such time as
14 it needs to be lodged with whatever court.
15 MR. FERGAL: Correct.
16 MR. SCHENK: Okay. I just want to put on
17 the record that I want to have the documents which
18 Mr. VanBeck looked at, 1 through 97, attached as
19 exhibits to the deposition.
20 (The deposition concluded at 11:36 a.m.)
21
22
23
24
25

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1 A No.
2 Q Do you recall when was the last time you were the
3 representative for Sprinkmann Sons with regard to
4 contracts between Sprinkmann and WEPCO?
5 A I can't pin it down, no.
6 Q Lastly, sir, I'm not going to ask you how much, but
7 I want to know whether you are a shareholder in the
8 company.
9 A No.
10 Q Do you have any ownership interest in the company?
11 A No.
12 MR. SCHENK: Okay. That's all the
13 questions I have. Thank you.
14 EXAMINATION
15 BY MR. CELBA:
16 Q I just have a few. Sir, you mentioned that you had
17 given depositions before. Did you review any
18 depositions before testifying here today?
19 A No.
20 Q Were you truthful, at least to your knowledge, in
21 those prior depositions that you gave?
22 A Yes.
23 MR. FERGAL: Object to the form of the
24 question.
25 MR. CELBA:

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1 STATE OF WISCONSIN)
2 MILWAUKEE COUNTY) SS:
3 I, DAVID J. SIKORA, a Notary Public in and
4 for the State of Wisconsin, do hereby certify that the
5 foregoing deposition of RALPH VAN BECK was taken at the
6 instance of the Plaintiff(s), before me, at 445 South
7 Mooreland Road, Brookfield, Wisconsin, on the 24th day
8 of August, 1994, commencing at 9:00 o'clock in the
9 forenoon.
10 I further certify the deponent was duly
11 sworn to testify the truth, the whole truth, and nothing
12 but the truth; and that the foregoing deposition was
13 recorded by me and was reduced to typewriting under my
14 personal direction.
15 I further certify that the same was taken
16 upon oral interrogatories and reduced to writing by
17 myself, David J. Sikora, a disinterested person in said
18 action.
19 In witness whereof, I have hereunto set my
20 hand and affixed my Seal of Office at Milwaukee,
21 Wisconsin, this 29th day of August, 1994.
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25

DAVID J. SIKORA - Notary Public
In and for the State of Wisconsin
My Commission expires: 8/16/98

DAVID J. SIKORA - COURT REPORTERS - (414) 223-4848

1 STATE OF WISCONSIN)
2 MILWAUKEE COUNTY) SS:
3)

4 I, RALPH VAN BECK, hereby certify that I
5 have read the foregoing typewritten transcription of my
6 testimony; corrections, if any, having been noted, the
7 same is now a true and correct transcript of my
8 testimony.
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12 _____
13 WITNESS

14 _____
15 DATE

17 PAGE LINE CORRECTION
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